

CHAPTER NO. 514

HOUSE BILL NO. 1818

By Representatives Westmoreland, Sands, Todd, McDonald, Roach, Brenda Turner, Montgomery

Substituted for: Senate Bill No. 1243

By Senator Haynes

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7, Part 5, relative to personnel records of law enforcement officers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 10-7-503(c)(1), is amended by adding at the beginning of the subdivision the language "Except as provided in subsection (f) of § 10-7-504,".

SECTION 2. Tennessee Code Annotated, Section 10-7-504, is amended by adding the following as subsection (f):

(f)(1) Personnel information of any police officer designated as working undercover may be segregated and maintained in the office of the chief law enforcement officer. Such segregated information shall be treated as confidential under this subsection. Such segregated information is the address and home telephone number of the officer as well as the address(es) and home telephone number(s) of the members of the officer's household and/or immediate family. Information in such file which has the potential, if released, to threaten the safety of the officer or the officer's immediate family or household members may be redacted if the chief law enforcement officer determines that its release poses such a risk.

If the person requesting the information or the officer disagrees with the determination of the chief law enforcement officer, the decision shall be reviewed in a show cause hearing in chancery court.

(2) Nothing in this subsection shall be used to limit or deny access to otherwise public information because a file, a document, or data file contains some information made confidential by subpart (1) of this subsection.

(3) Nothing in this subsection shall be construed to limit access to these records by law enforcement agencies, courts, or other governmental agencies performing official functions.

(4) Except as provided in subpart (1) of this subsection, nothing in this subsection shall be construed to close personnel records of public officers, which are currently open under state law.

(5) Nothing in this subsection shall be construed to limit access to information made confidential by subpart (1) of this subsection, when the employee expressly authorizes the release of such information.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 27, 1999


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 17th day of June 1999


DON SUNDQUIST, GOVERNOR